

THE HONORABLE MARSHA J. PECHMAN

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

HUONG HOANG, an individual,

Plaintiff,

v.

AMAZON.COM, INC., a Delaware
corporation, and IMDB.COM, INC., a
Delaware corporation,

Defendants.

No. 2:11-CV-01709-MJP

DECLARATION OF GIANCARLO
CAIRELLA IN SUPPORT OF IMDb.COM,
INC.'S MOTION FOR SUMMARY
JUDGMENT

**UNDER SEAL--Contains Confidential and
Highly Confidential/Attorneys' Eyes Only
Information**

I, Giancarlo Cairella, hereby declare as follows:

1. I am Customer Service Manager with Defendant IMDb.com, Inc. ("IMDb") and have held this position from 2001 to the present. I make this declaration based upon my personal knowledge and, if asked, would testify to the truth of the matters herein.

2. The IMDb website, www.IMDb.com, publicly displays factual information about movies, television shows, and the actors, directors, and other professionals who make them, including their dates of birth. The information displayed on the IMDb website includes information regarding actors such as filmography, trivia, photographs, and biographical information, including dates of birth.

1 3. In addition to the general website, IMDb offers a subscription service called
2 IMDbPro, which is similar to IMDb's general website but designed for entertainment
3 professionals. IMDbPro provides users access to all data on the general website, plus additional
4 data, such as contact information and production listings.
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8 4. In most cases, the information published on the IMDb website is submitted by
9 IMDb users. From time to time, IMDb conducts its own investigations to ensure that data
10 published on the website is accurate.
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14 5. One of the main goals of IMDb's website is to maintain a database of complete
15 and accurate information about the entertainment industry—in other words, to avoid providing
16 inaccurate information to the public. To that end, IMDb will only remove or change information
17 upon an investigation or proof that the information posted is inaccurate.
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21 6. Plaintiff Huong Hoang ("Hoang") first signed up for a trial IMDbPro account in
22 2004. Also starting in 2004, she paid IMDb, using her credit card, for various one-time services
23 such as posting a photograph or resume. During these transactions, she provided her legal name
24 to IMDb.
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27 7. On June 20, 2004, IMDb received a submission from IMDb user
28 "ercgreg@hotmail.com." The submission stated that Junie Hoang's date of birth was "REDACTED"
29 1978," and identified the source of her date of birth as "birth certificate." Based on this
30 submission, IMDb posted the REDACTED 1978 birth date on Hoang's IMDb profile.
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33 8. The accuracy of the REDACTED 1978 date of birth for Hoang was not disputed by
34 anyone, including Hoang herself, for over three years.
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37 9. From September 2007 through November 2008, Hoang, and agents purporting to
38 act on her behalf, submitted inconsistent and varying information regarding her date of birth to
39 IMDb. IMDb responded repeatedly that, per its policies, it does not remove valid dates of birth
40 from IMDb profiles and will not change dates of birth without credible verification. Copies of
41 correspondences between IMDb and Hoang regarding her date of birth during this period is
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1 attached as Exhibits G, H, J, K, L, M, N, O, P, R, T, U, V, and W to the Declaration of Breena
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3 Roos in Support of IMDb.com, Inc.'s Motion for Summary Judgment ("Roos Declaration"), filed
4
5 concurrently.

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7 10. On at least six occasions, IMDb responded to Hoang's multiple requests to the
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9 IMDb Help Desk that the birth date on her IMDb profile be deleted. IMDb notified Plaintiff that
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11 it could "investigate this matter" if Plaintiff could provide documentation of her date of birth,
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13 such as "a complete unredacted photocopy of the first page of [her] passport." Copies of these
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15 correspondences are attached as Exhibits M, O, R, and V to the Roos Declaration.

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17 11. In response to IMDb Help Desk's request for a copy of her passport, Hoang
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19 mailed IMDb a copy of her Vietnamese birth certificate on or about April 8, 2008. The birth
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21 certificate was written in Vietnamese and did not have a clear date of birth, and therefore we
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23 could not use it to verify her date of birth. However, it did clearly identify the names of both of
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25 her parents as Phong Tung Hoang (father) and Chinh Thi Nguyen (mother). A copy of the birth
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27 certificate is attached as Exhibit F to the Roos Declaration.

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29 12. Before November 2008, aside from her Vietnamese birth certificate, Plaintiff had
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31 not sent us any other documents to support her complaints and requests to delete the date of birth
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33 from her profile.

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35 13. In July 2008, Hoang's lawyer Jalene Mack sent a letter to IMDb. I read this
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37 letter, which asked IMDb to remove her date of birth from her IMDb profile because it was
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39 incorrect. A copy of this correspondence is attached as Exhibit O to the Roos Declaration.

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41 14. On or about October 2, 2008, Hoang emailed IMDb.com again and demanded that
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43 IMDb "GO BACK ON [sic] YOUR FILES AND SEE IF YOU HAVE ANY
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45 DOCUMENTATION, VERIFICATION OR IDENTIFICATION THAT MY BIRTHDATE IS
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47 IN 1978." I personally read this email and understood this request as authorization to IMDb to
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49 use the information Hoang had submitted to IMDb when opening her account to investigate her
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51 claims. A copy of this correspondence is attached as Exhibit W to the Roos Declaration.

1 15. To respond to Hoang's repeated requests and the letter from her lawyer, I
2 researched to verify that the original submission for Hoang's date of birth was correct. I
3 searched public records online and was unable to verify a date of birth for "June Hoang."
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5 16. I looked up Hoang's IMDb account information in IMDb.com's "IPS database."
6 The IPS database contained Hoang's legal name, submitted by Hoang herself in 2004 when she
7 signed up for an IMDbPro trial.
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9 17. The IPS database does not contain customer credit card numbers. It is only
10 accessible to IMDb's Customer Service team and IMDb technical support.
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12 18. After looking at the IPS database, I searched public records again using Hoang's
13 legal name to verify the accuracy of her date of birth in response to Plaintiff's request. I
14 conducted at least one additional public records search, using www.privateeye.com, for "Huong
15 Thu Hoang."
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17 19. Through these searches, I was able to obtain relevant information from one result,
18 which identified a "Huong Thu Hoang," with the date of birth **REDACTED** 1971—the same month
19 and day of the date of birth that was submitted in 2004 for "Junie Hoang."
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21 20. After finally resolving the mystery of Plaintiff's true date of birth, on or around
22 November 12, 2008, at my direction, a member of the data content team changed the birth date
23 for Hoang's IMDb profile to **REDACTED** 1971.
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DATED at Seattle, Washington, this 28 day of November, 2012,

/s/ 
Giancarlo Cairella